IMP18 Rec'd PCT/PTO 07 PEB 2006

10/567888

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (03-764-B (400.216US))

In re the Application of: McSwiggen, et al.)	
Serial No: TBA	Group Art Unit: TBA	
Filed: Herewith) Examiner: TBA	
For: RNA Interference Mediated Inhibition of XIAP Gene Expression Using Short Interfering Nucleic Acid (siNA))))	

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir/Madam:

The undersigned declares that the content of the Sequence Listing, submitted in the above-identified application in compliance with 37 C.F.R. § 1.52(e) on Compact Disc-Recordable (CD-R) medium in duplicate (COPY 1 and COPY 2) in lieu of the paper copy under 37 C.F.R. § 1.821(c) and the computer readable form copy of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. 1.821(e), are identical in content. The sequence listing, submitted herewith, does not extend beyond the scope of the specification, and thus, does not contain new matter.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: February 7, 2006

By:

Lisa M.W. Hillmar

Reg. No. 43,673

PHONE: 312-913-0001 Fax: 312-913-0002

Doc Code: CDCHECK

This form is to be used for PCT CD's that are reacable.

ACKNOWLEDGEMENT OF RECEIPT OF FILES ON COMPACT DISC The files indicated on the attached transmittal document were received by the USPTO, opened on a USPTO computer and were readable in accordance with 37 CFR 1.52 (e) (7).

Karen Smith (name of tester) 2-15-2006 (date)